

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1086 OF 2007
IN
EXECUTION APPLICATION NO.48 OF 2007
IN
SUMMARY SUIT NO.3139 OF 2004

Franco-India Pharmaceuticals Pvt.Ltd. Plaintiff
V/s.
Ray Pharmaceuticals Ltd. & Ors. Defendants
And
M/s.Dopson Pharma (India) Ltd. Applicant

Mr.R.B. Upadhyay for the Applicant.

Ms.Naina Desai i/b Mr.Nimish Desai for the Plaintiff.

CORAM : S.J. VAZIFDAR, J.
DATED : 4TH OCTOBER, 2007.

P.C. :

1. This is the Applicant's Chamber Summons for setting aside an order issuing a warrant of attachment in respect of an industrial gala at Goregaon. The attachment was sought on the basis that the Defendant/judgment debtor owned the same.

2. The Applicant has produced an agreement dated 18.10.1981 by which the Applicant purchased the said gala. The Applicant has also relied upon the electricity bills which stands in the name of the Applicant. The Applicant craves leave to refer to and

rely upon the electricity bills. The maintenance bill of the society is also in the name of the Applicant.

3. In any event, it is for the Plaintiff to establish that the Defendants have no right in respect of the property sought to be attached. The Plaintiff has produced absolutely no evidence to establish that the said industrial gala belongs to the judgment debtor. The only documentary evidence relied upon by the Plaintiff is a letter dated 11.3.2004 from the Defendant stating that its head office had been shifted to the said premises. It is pertinent to note that admittedly a lease deed had been executed between the Applicant and the first Defendant on 18.2.1999. The same came to an end by efflux of time on 18.2.2004. The letter addressed by the Defendant by itself would not confer any ownership rights on the Defendants.

. In the circumstances, the Chamber Summons is made absolute in terms of prayer (a). The Plaintiff shall pay the Applicant costs of this Chamber Summons fixed at Rs.5000/- within eight weeks from today. It is clarified that if the Plaintiff has any evidence in future to establish that the Defendants have any right or interest in the said premises, they are at liberty

to adopt further proceedings.